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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/678,169	10/02/2000	Robert W. Crowder JR.	732.436 SDG.UA	4125

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EXAMINER	
ONEILL, MICHAEL W	

ART UNIT	PAPER NUMBER
3713	

DATE MAILED: 04/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/678,169	CROWDER ET AL. 60
	Examiner	Art Unit
	Michael O'Neill	3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 January 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *31-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *31-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *13 February 2004* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the replacement sheets have been approved for content are objected to because the "shading" with respect to the gaming machine and SMIB structures is improper and cannot be reproduce at time of publication. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The rejection of the claims under 35 U.S.C. § 112, second paragraph, is withdrawn because of the amendments thereto.

Claim Rejections - 35 USC § 103

The rejections of claims 31, 35, 36 and 37 under 35 U.S.C. § 103(a) as being unpatentable over Lucero (USPN 5,038,022) in view of Capers et al. (USPN 4,669,596) further in view of Perrie

et al. (USPN 6,173,955) are being maintained from the Office action on merits mailed 04/27/2004 and incorporated herein.

The rejections of claims 32, 33, 38 and 39 under 35 U.S.C. § 103(a) as being unpatentable over Lucero (USPN 5,038,022) in view of Capers et al. (USPN 4,669,596) further in view of Perrie et al. (USPN 6,173,955) further in view of Crevelt et al. (USPN 5,902,983) are being maintained from the Office action on merits mailed 04/27/2004 and incorporated herein.

Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lucero (USPN 5,038,022) in view of Capers et al. (USPN 4,669,596) further in view of Perrie et al. (USPN 6,173,955) as being maintained from the Office action on merits mailed 04/27/2004 and incorporated herein to which was applied to claim 31 above, and further in view of Nutting et al. (USPN 4,093,232.

Applicants in their remarks of 01/11/2005 requested evidentiary support for an interface with an I/O between a controller and peripheral devices. In response to the Applicants challenge of notoriety, the Examiner has provided such a reference per Applicants' challenge. Nutting et al. shows, see front of patent, an interface (50), see the dash-line to the left having an I/O (57) between a controller, CPU (51), and peripheral devices (58-60). Of note, should be (59) is

connected to segment drive (69) which is used to drive digit drive (71) which is utilize to drive the digital display shown in the lower right corner of the figure. Thus, the notoriously well known statement stands and the claim invention is still deemed obvious to one of order skill in the art and the motivation to combine the references is still applicable from the previous Office action on merits of 04/27/2004.

Response to Arguments

Applicants' arguments filed 01/11/2005 have been fully considered but they are not persuasive.

Applicants contend the following:

Lucero, Capers and Perrie fail to disclose "an interception and emulation unit" that is retrofitted to a gaming machine.

It took three references to obviate a claim.

Perrie does not disclose, teach or suggest either an interception or an emulation device.

Perrie does not teach, suggest or imply a gaming device having "an interception processor" or "an (sic) dispenser emulator."

Perrie can't be used as a reference because it teaches away from the claimed invention.

The Examiner will respond to the above contention *in seriatim* for disposal of these issues.

First, Applicants' arguments are directed against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to Applicants' argument that the examiner has combined an excessive number of references, reliance on a large number of references in a rejection does not, without more, weigh against the obviousness of the claimed invention. See *In re Gorman*, 933 F.2d 982, 18 USPQ2d 1885 (Fed. Cir. 1991).

In response to applicant's argument that the reference cannot be combined because one reference allegedly teaches away from the claimed invention, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Moreover, Lucero does disclose the concept of retrofitting a then existing gaming machine for cashless gaming. The

reference just lacks in expressing the details for doing it. Capers et al. fills in the void and shows and teaches the details of a retrofitting accessory. And Perrie, is utilized to help solve the problem of cashing out both in cash and credit. Therefore, the references when view as a whole, obviate the claimed invention.

Finally, in response to Applicants' argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "an interception processor" or "an (sic) dispenser emulator") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Examiner wishes to make of record a book that the Applicants and Assignee themselves should be well aware of considering their high level of status in the gaming technology arts through the plethora of patents that have issued to the instant Assignee; although their instant representatives might not because of their newness to

the art. The book is entitled Slot Machines A Pictorial History of the First 100 Years, by Marshall Fey. The teachings in this book might become need should this application goto appeal; thus, the Examiner encourages the Applicants and Assignee to familiarize themselves again with its teachings and for the representatives to obtain or acquire the book and consult its teachings regarding the analogy of vending and gaming machines in the gaming technology arts. The Office cannot provide a copy of the book *per se;* but if its teachings are utilized the Office will provide the page numbers and photocopies thereof, however the photocopies provided might not be clear and legible because of the coloring used in the book does not photocopy well.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will

expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael O'Neill whose telephone number is 571-272-4442. The examiner can normally be reached on Monday through Friday 8:30 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MON

MICHAEL O'NEILL
PRIMARY EXAMINER